

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE GRANTING
A COMMERCIAL SOLID WASTE AND RECYCLABLES
COLLECTION FRANCHISE TO REDWOOD SERVICES,
INC. DBA REDWOOD DEBRIS BOX SERVICE TRUCKING,
INC.**

WHEREAS, Redwood Services, Inc., a California corporation doing business as Redwood Debris Box Service Trucking, Inc. (“Redwood Debris Box Service Trucking, Inc.”), has submitted an application to the City of San José for a Commercial Solid Waste and Recyclables Collection Franchise; and

WHEREAS, on January 30, 2024, the San José City Council (“City Council”) held a public hearing to consider said application and to hear all persons desiring to be heard in favor of or in opposition to the granting of a Commercial Solid Waste and Recyclables Collection Franchise to Redwood Debris Box Service Trucking, Inc.; and

WHEREAS, having considered all oral and documentary evidence presented on the matter of granting such franchise, the City Council has determined that the grant of such franchise to Redwood Debris Box Service Trucking, Inc. is in the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The City Council hereby grants a Commercial Solid Waste and Recyclables Collection Franchise to Redwood Debris Box Service Trucking, Inc., pursuant to which Redwood Debris Box Service Trucking, Inc. is authorized to engage in the business of collecting, transporting and disposing of Residential Clean-Out Material and Construction and Demolition Debris (“C&D Debris”) kept, accumulated or

produced in the City of San José and to use the public streets and rights of way for such purpose.

SECTION 2. The grant of said Commercial Solid Waste and Recyclables Collection Franchise is expressly subject to the terms and conditions of the City Charter, Chapter 9.10 of the San José Municipal Code, this Ordinance, and the Non-Exclusive Franchise Agreement Between the City of San José and Redwood Debris Box Service Trucking, Inc. ("Non-Exclusive Franchise Agreement"), as such now exist or as they may hereafter be amended.

SECTION 3. The Commercial Solid Waste and Recyclables Collection Franchise hereby granted to Redwood Debris Box Service Trucking, Inc. will begin on the effective date of this Ordinance, per Section 605 of the City Charter, and end on December 31, 2024 inclusive. The Director of Environmental Services is authorized to extend the Non-Exclusive Franchise Agreement for up to two (2) one (1)-year terms through December 31, 2026 and is further authorized to negotiate and execute amendments to the Non-Exclusive Franchise Agreement during the term to conform with any changes to the requirements for the construction and demolition debris program.

SECTION 4. Notwithstanding Section 3 of this Ordinance and notwithstanding any provision of the Non-Exclusive Franchise Agreement, the Commercial Solid Waste and Recyclables Collection Franchise may be terminated or suspended at any time in accordance with Section 9.10.1690 of Chapter 9.10 of the San José Municipal Code.

SECTION 5. Neither the Non-Exclusive Franchise Agreement granted to Redwood Debris Box Service Trucking, Inc. nor this Ordinance authorizes Redwood Debris Box Service Trucking, Inc. to operate any landfill, recycling facility or other solid waste disposal facility.

PASSED FOR PUBLICATION of title this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk